

June 21, 2001

Exemption No. 7550  
Regulatory Docket No. FAA-2001-9438

Director of Maintenance  
Aberdeen Flying Service  
4430 East Highway 12  
Aberdeen, SD 57401

Dear Sir:

By letter dated March 23, 2001, you petitioned the Federal Aviation Administration (FAA) on behalf of Aberdeen Flying Service (Aberdeen) for an exemption from § 135.143(c)(2) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to permit Aberdeen to operate certain aircraft under part 135 without a TSO-C112 (Mode S) transponder installed in the aircraft. We note that your previous exemption, Exemption No. 6875, expired on March 23, 2001. Therefore, we are addressing this petition as a new request.

The FAA issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 6120 (copy enclosed), the FAA found that the ground sensors necessary for Mode S transponders, as envisioned by the FAA, have not become operational. The FAA noted that without functioning ground sensors, a Mode S transponder offers no reduction in air traffic control separation criteria or increase in traffic flow over that provided by a Mode C transponder. The FAA determined that no safety advantage is gained by requiring Mode S transponders to be used in aircraft operating under part 135 without the necessary ground sensors. In addition, it would not be in the public interest to compel persons such as the petitioner, who are uniquely burdened by the rule, to purchase and install Mode S transponders.

Having reviewed your reasons for requesting an exemption, I find that they do not differ materially from those presented by the petitioner in the enclosed grant of exemption. In addition, I have determined that the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present.

AFS-01-378-E

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, Aberdeen Flying Service, is granted an exemption from 14 CFR § 135.143(c)(2) to the extent necessary to operate certain aircraft, subject to the following conditions and limitations:

1. Any aircraft listed on Aberdeen's part 135 operations specifications at the date of issuance of this exemption may be operated when equipped with any TSO-C74b transponder or TSO-C74c transponder.
2. Any other aircraft for which installation of a transponder is needed may be operated when equipped with any TSO-C74b transponder or TSO-C74c transponder, provided notice is given to Aberdeen's principal operations inspector.

This exemption terminates on June 30, 2003, unless sooner superseded or rescinded.

In an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's Internet-accessible Docket Management System (DMS), located at <http://dms.dot.gov>. This new system enables interested persons to submit, view, and download requests to the DMS in accordance with 14 CFR § 11.63. Future requests should be submitted through this system.

Sincerely,

/s/ Anthony F. Fazio  
Director, Office of Rulemaking

Enclosure

AFS-01-378-E (Docket No. FAA-2001-9438) Exemption No. 7550, 06/21/01

DIRECTOR OF MAINTENANCE  
ABERDEEN FLYING SERVICE  
4430 EAST HIGHWAY 12  
ABERDEEN, SD 57401

Certificate holding region: AGL-200, Flight Standards  
service, Great Lakes Region.